



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EAG
F.#2010R00153

271 Cadman Plaza East
Brooklyn, New York 11201

May 23, 2012

By Hand Delivery and ECF

The Honorable Kiyo A. Matsumoto
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. John Rossano
Criminal Docket No. 11-30 (KAM)

Dear Judge Matsumoto:

The government respectfully submits this letter in response to the Court's scheduling order issued on April 12, 2012, in connection with the sentencing of the defendant John Rossano. Specifically, the Court directed the parties to file by May 23, 2012 "any additional submissions setting forth their positions regarding the loss and restitution amounts in light of the affidavits of loss received from the victims." See ECF Docket Entry entered on Apr. 12, 2012.

In light of the affidavits provided by the Probation Department in a memorandum dated May 10, 2012, the government submits that the Court should order that the defendant John Rossano pay \$948,625.56 in restitution. This amount is the sum of the losses incurred by those victims who submitted affidavits, including monies previously reimbursed to the victims by their insurance companies. A copy of a spreadsheet detailing the loss attributed to each of the victims is provided under seal as Exhibit A.¹

¹ The government respectfully requests that Exhibit A to this letter be filed under seal because it identifies the victims of the fraud. See United States v. Amodeo, 71 F.3d 1044, 1050-51 (2d Cir. 1995) (privacy interests of third parties may be compelling reason justifying sealing).

The government submits that the loss amount for purposes of calculating the advisory range of imprisonment under the United States Sentencing Guidelines should be the total amount of the fraud including any monies for which victims have not submitted sworn affidavits. According to an affidavit submitted by MoneyGram, which was included in the Probation Department's submission of May 10, 2012, the total loss incurred as a result of the fraud carried out by the defendant and his coconspirators was \$1,396,893.25.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/
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Enclosures

cc: Clerk of the Court (KAM) (by ECF)
Joseph Lobosco, Esq. (by ECF)
Michelle Espinoza, Senior U.S. Probation Officer (by email)